

CHAPTER NO. 624

SENATE BILL NO. 2557

By McLeary, Cohen, Finney

Substituted for: House Bill No. 2554

**By Eldridge, Shaw, Phillip Johnson, Lynn, Gresham, Curtis Johnson, Miller,
Harry Brooks,
Matheny, Baird**

AN ACT to amend Tennessee Code Annotated, Title 41, Chapter 21, relative to inmates.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 41-21-236(a), is amended by deleting subdivision (2) in its entirety and by substituting instead the following language:

(2)(A) Each inmate who exhibits good institutional behavior and/or who exhibits satisfactory performance within a program may be awarded time credits toward the sentence imposed, varying between one (1) day and sixteen (16) days for each month served, with not more than eight (8) days for each month served for good institutional behavior and not more than eight (8) days for each month served for satisfactory program performance in accordance with the criteria established by the department.

(B)(i) In addition to the time program performance credit awarded pursuant to subdivision (a), the department shall provide an educational good time credit of sixty (60) days to any qualifying prisoner who successfully receives a graduate equivalency diploma or a high school diploma, a two (2) or four (4) year college degree, or a two (2) year or four (4) year certification in applied sciences, or who receives a vocational education diploma as provided and defined by the department. No credit shall be given for any such diploma, degree, or certification unless the particular course of study, including the institution or entity through which it is offered, has received the prior approval of the department. A qualifying prisoner may receive no more than one credit of sixty (60) days, regardless of the number of programs completed.

(ii) It is the legislative intent that this credit be implemented by the department in a manner that maximizes the potential of prisoners who will return to the community to become working and productive members of

society through the benefit of their educational diploma or certificate. It is further the legislative intent that existing educational and vocational programs offered by the department shall not be increased in size as a result of this act. Priority in enrollment in existing educational and vocational programs shall be given to prisoners who will be eligible for parole or release upon completion of their sentence and who can reasonably be expected to re-enter the workforce. Priority in enrollment shall also be given to prisoners who will be incarcerated by the department for such period of time that they will receive the full credit for sentence reduction provided in this act. Once these priorities have been met, enrollment in educational and vocational programs by other prisoners shall be available on a space-available basis, without any sentence reduction credit for any diploma or certification received.


(iii) The provisions of this subdivision permitting an additional sixty (60) days of educational credit for obtaining a diploma shall not apply to any prisoner convicted of an offense that requires service of a least eighty-five percent (85%) of such sentence under § 40-35-501(i) or one hundred percent (100%) of such sentence under § 39-13-523.

(C) No inmate shall have the right to any such time credits nor shall any inmate have the right to participate in any particular program and may be transferred from one (1) assignment to another without cause. The provisions of this section shall also apply to any inmate sentenced to the Department of Correction who is being held on a contract basis by a private correctional corporation.

SECTION 2. This act shall take effect on July 1, 2006, the public welfare requiring it.

PASSED: April 20, 2006


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 8th day of May 2006


PHIL BREDESEN, GOVERNOR